

**AMENDMENTS TO THE CLAIMS:**

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1. (Currently Amended) A construction material for use as, or in, a wearing course, which comprises an agglomerate of granules of a thermoplastic elastomer, wherein said thermoplastic elastomer comprises a styrene block copolymer.

2. (Original) A construction material according to claim 1, wherein the granules are angular or multi-facet granules.

3. (Previously Presented) A construction material according to claim 1, wherein the granules have smooth surfaces.

4. (Previously Presented) A construction material according to claim 1, wherein the granules are substantially free from dust.

5. (Previously Presented) A construction material according to claim 1, wherein substantially all of the granules are in the size range of 0.5mm to 10mm.

6. (Previously Presented) A construction material according to claim 5, wherein substantially all of the granules are in the size range from 1mm to 4mm.

7. (Currently Amended) A construction material ~~according to claim 1,~~ for use as, or in a wearing course, which comprises an agglomerate of granules of a thermoplastic elastomer wherein the thermoplastic is a block copolymer.

8. Cancelled Herein.

9. (Previously Presented) A construction material according to claim 1, wherein the thermoplastic elastomer is one or more of:

a styrene-butadiene-styrene (SBS) block copolymer,

a styrene-isoprene-styrene (SIS) block copolymer,

a styrene-ethylene-butadiene-styrene (SEBS) block copolymer.

10. Cancelled Herein.

11. (Previously Presented) A construction material according to claim 1, wherein the which includes a pigment.

12. (Previously Presented) A construction material of claim 1, wherein the granules are agglomerated together by means of a binder.

13. (Original) A construction material according to claim 12, wherein the binder substantially fills the interstices between the granules.

14. (Previously Presented) A construction material, according to claim 1, wherein the granules are agglomerated together by having been melded together.

15. (Previously Presented) A granular thermoplastic elastomer suitable for use in the construction material, according to claim 1, wherein the granules of thermoplastic elastomer are angular or multi-facet granules.

16. Cancelled Herein.

17. (Previously Presented) A composition suitable for the preparation of a construction material as claimed in claim 1, the composition comprising:

(a) a first component comprising a granular thermoplastic elastomer; and

(b) a second component comprising a binding agent for the granules.

18. (Original) A composition according to claim 17, wherein the binding agent is a polyurethane binder.

19. (Previously Presented) A wearing course comprising a laid layer of a construction material as claimed in claim 1.

20. (Original) A wearing course according to claim 19, which has a thickness in the range 1cm to 10cm, especially 2cm to 6cm.

21. (Previously Presented) A wearing course according to claim 19, wherein the construction material has been compacted after laying.

22. (Previously Presented) A wearing course according to claim 19, which has been laid in direct contact with the ground.

23. (Previously Presented) A wearing course according to claim 19, wherein said layer is supported by an underlying bulk layer.

24. (Original) A wearing course according to claim 23, wherein the bulk layer comprises a rubber in granular form.

25. (Original) A wearing course according to claim 24, wherein the granules of rubber have been agglomerated by means of a binder.

26. (Original) A wearing course according to claim 23, wherein the bulk later has a thickness of up to 10cm, especially from 2cm to 6cm.

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